



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 3034-99
24 January 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Head, Separation and Retirement Branch, Headquarters, U.S. Marine Corps (HQMC) dated 9 September 1999, and the Assistant Head, Enlisted Assignment Branch, HQMC, dated 12 October 1999. A copy of each opinion is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion from the Assistant Head, Enlisted Assignment Branch, HQMC. It was not persuaded that you were found not physically qualified to reenlist, or that you were unfit by reason of physical disability. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:


1760
MMSR-6J
9 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED] SMC

Encl: (1) Copy of Standard Form 800 30Oct97

1. Reference (a) requests an advisory opinion on former [REDACTED] request to have his records corrected to show that he was separated from the Marine Corps by reason of physical disability.
2. While on active duty [REDACTED] was placed on limited duty by the medical officer at his command. As evidenced by the enclosure, [REDACTED] was subsequently removed from limited duty at his own request. He was later found to be unqualified for reenlistment and discharged when he reached the expiration of his enlistment..
3. We recommend that former [REDACTED] medical record be submitted to the Physical Evaluation Board for review and further advisory opinion.


J. P. RATHBUN, JR.
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps